

REMARKS

Claim 4 has been amended to correct a typographical error. No new matter has been added. Claims 2, 6-15, 17, and 20-29 remain provisionally withdrawn in case no generic claim is allowed. Claims 1, 3-5, 16, 18, and 19 remain in the application for examination. Reexamination and reconsideration is respectfully requested.

In the paper mailed 02/08/2006, claims 5 and 19 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled by the specification. Specifically, claims 5 and 19 specify a flexible drive member, and figures 3A and 3B, which support claims elected in the provisional election do not illustrate more than one drive member. Claim 4 specifies a flexible drive member, and claim 5, dependent on claim 4, further limits the drive member of claim 4 to be driven by the motor of claim 1. The applicant is not clear on the precise reason for the rejection. The examiner is apparently either restricting the word "a" to mean "exactly one" or is limiting disclosure support for claim 5 to just the set of drawings supporting the provisionally elected claims. If the argument is over the interpretation of meaning of the word "a", then the applicant traverses the interpretation. The word "a" means "at least one". If the argument is that figures 3A and 3B do not support a single flexible member, then applicant submits that 35 U.S.C. § 112, first paragraph, refers to "the specification", not just some part of the specification related to a provisional election. Claims 5 and 19 are supported by figure 5. The provisional election does not limit the disclosure of the specification.

In the paper mailed 02/08/2006, claims 1, 3, 4, 16, and 18 are rejected under 35 U.S.C. § 103 (a) as allegedly unpatentable over U.S. Patent Number 6,392,761 (Suzuki *et al.*). Applicant traverses. Claim 1 specifies: an image scanner, comprising a motor, moving the array in two dimensions. The examiner admits that the motor in Suzuki *et al.* drives the scanner in only one dimension, but the examiner argues that an operator could turn the scanner in a different direction. The examiner is arguing what a human could do, not what the scanner in Suzuki *et al.* does, and not what the prior art teaches or suggests. In

addition, the examiner is arguing a possibility or what could happen, not what the prior art teaches or suggests. Mere possibility or probability is not the standard for obviousness.

Regarding claim 4, the examiner has not identified anything in the prior art corresponding to the additional limitations of claim 4, so no *prima facie* case for obviousness has been established.

Respectfully submitted,

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